



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter: Muller Boat Works, Inc.-Reconsideration

File: B-270016.3

Date: January 22, 1996

DECISION

Muller Boat Works, Inc. requests reconsideration of our December 4, 1995, dismissal of its protest of the award of a contract by the United States Coast Guard under invitation for bids No. DTCG80-95-B-3FA903. We dismissed Muller's protest because the protester did not file written comments on the agency's administrative report, or a written statement of continued interest in the protest, within 14 calendar days of the due date for receipt of the report, as required under our Bid Protest Regulations.

We affirm the dismissal.

Muller's protest was filed in our Office on October 5, 1995. On October 17, we sent a standard acknowledgment of protest notice to Muller. That notice provided information regarding the requirement of our bid protest regulations, Section 21.3(h), 60 Fed. Reg. 40,737, 40,741 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.3(h)), for the protester to submit comments on the agency's report or to advise our Office to decide the protest on the existing record. The notice included the due date for receipt of the report and advised Wincor that we would assume that it received a copy of the report on the scheduled due date. Our notice further provided that failure to respond to the report within 14 days of the due date would result in the dismissal of the protest.

In its request for reconsideration, Muller contends that it never received such a notice and that it "felt secure in waiting for a decision based on the content of both the report and the protest."

The filing deadlines in our Regulations are prescribed under the authority of the Competition in Contracting Act of 1984 (CICA); their purpose is to enable us to comply with the statute's mandate that we expeditiously resolve bid protests in which the protester has a continuing interest. 31 U.S.C. § 3554(a)(1); U.S. Shutter Co.-Recon., B-219952.2, Jan. 15, 1986, 86-1 CPD ¶ 42. Under the law, a protester is presumed to know the provisions of our Bid Protest Regulations since they are published in the Federal Register and Code of Federal Regulations and protesters therefore are charged with constructive notice of their contents.

See Domation, Inc., B-228221, Sept. 28, 1987, 87-2 CPD ¶ 311. Therefore, the fact that the protester may not have received our notice does not excuse its failure to file timely comments, and it is not our policy to reopen a protest file where the protester has failed to respond in a timely manner to the agency report.
U.S. Shutter Co.— Recon., *supra*.

The dismissal is affirmed.

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of the United States